

R E M A R K S

As will be discussed in further detail below, claims 1-3 and 5 have been amended to more distinctly claim that which Applicants regard as their invention. Claims 6-7 have been canceled and claims 8-9 have been added to recite specific embodiments. Claims 8-9 are supported by the specification. No new matter has been added.

1. The Abstract

The abstract of the disclosure is objected to because the full meaning for the abbreviation “ART” (assisted reproduction technology) should be included in the abstract. In response, the abstract has been amended accordingly.

2. The Objections to Claims 1-7

Claims 1-7 are objected to because of the following informalities: In independent claims 1, 5, and 6 the full meaning for MMP-9 (matrix metalloproteinase 9) should be included for clarification purposes. The preamble of claim 2 is inconsistent with the preamble of independent claim 1 since claim 1 recites a method for predicting pregnancy, and claim 2 recites a method for diagnosing the chances of pregnancy. See this same problem in claim 3. On line 2 of claim 3, the word “follicles” should be changed to the singular form – follicle – since independent claim 1 only recites a single follicle. On lines 1-2 of claim 6, the phrase “protein substrate from MMP-9” should be changed to – protein substrate for MMP-9 – in order to make proper sense. In claim 7, the preamble “The diagnostic kit of diagnosing the chances of pregnancy” should be changed to – The diagnostic kit for predicting pregnancy outcome – so as to be consistent with the preamble of independent claim 6.

In response, claims 1 and 5 have been amended to recite “matrix metalloproteinase 9”. The preambles of claims 2, 3 and 4 recite “The method according to claim 1”. Claim 3, line 2 recites “follicle”. Claims 6-7 have been cancelled.

In view of the amendments of claims 1-3 and 5, Applicants assert that the objections have been overcome. Therefore, Applicants respectfully request that the objections be withdrawn.

3. The Rejection of Claims 6-7

Claims 6-7 are rejected under U.S.C. 102 (b) as being anticipated by the Molecular Probes brochure on the EnzChek Gelatinase/Collagenase Assay Kit.

The EnzChek Gelatinase/Collagenase Assay kit by Molecular Probes is used to measure the gelatinase or collagenase activity of matrix metalloproteinase (MMPs). The kit contains as a component a protein substrate, which can be digested by an MMP. The protein substrate is gelatin, collagen I or collagen IV. See pages 1-2 of the brochure.

Applicants respectfully traverse the rejection. However, in order to advance prosecution, claims 6 and 7 have been cancelled. Applicants reserve the right to file subsequent continuation and/or divisional applications encompassing the canceled subject matter.

In view of the cancellation of claims 6-7, Applicants assert that the rejections of claims 6-7 have been overcome. Therefore, Applicants respectfully request that the rejections be withdrawn.

4. Conclusion

In view of the foregoing, Applicants assert that the claims are now in condition for allowance. Early action to that end is respectfully requested. The Examiner is invited to contact the undersigned at (914) 712-0093 if she has any questions.

Respectfully submitted,

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